

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DEBRA JEAN WEAVER, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

RITA PENSINO,

Respondent-Appellant,

and

PERRY WEAVER,

Respondent.

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In the Matter of DEBRA JEAN WEAVER, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

PERRY WEAVER,

Respondent-Appellant.

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Before: Talbot, P.J., and White and Wilder, JJ.

PER CURIAM.

UNPUBLISHED  
October 27, 2005

No. 261854  
Macomb Circuit Court  
Family Division  
LC No. 02-052614-NA

No. 261883  
Macomb Circuit Court  
Family Division  
LC No. 02-052614-NA

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondents argue that their constitutional right to due process was violated when the trial court failed to hold the termination hearing within sixty-three days after the filing of the supplemental petition, as prescribed in MCR 3.977(F)(2). The supplemental petition was filed on August 19, 2004, and the termination hearing was held on March 24, 2005. The trial court granted petitioner's request for adjournments in November 2004 and February 2005 because of the caseworker's medical leave and subsequent medical complications, and ordered a third adjournment in February 2005 because of the trial court judge's illness.

Respondents' constitutional rights to due process were not violated. MCR 3.977(F)(2) provides that a termination trial be held within 42 days after the filing of the supplemental petition, and allows the court to grant an additional 21 days for good cause shown, the trial court is also allowed the discretion to grant adjournments in child protective proceedings for good cause after considering the minor child's best interests. MCR 3.923(G). The trial court's grant of an adjournment is reviewed for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). In the present case, the trial court did not abuse its discretion in adjourning the termination hearing given the absence of the caseworker who had worked with respondents throughout the three-year proceeding or for the trial court judge's own illness.

Instead of prejudicing respondents, the adjournments in November 2004 and February 2005 allowed respondents an additional four months to demonstrate compliance with services and show an interest in their child.

We also find that the trial court did not err in determining that the evidence did not show that termination of respondent father's parental rights was clearly not in the minor child's best interests, as respondent father argues on appeal. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The parent-child bond that had existed for the first 2½ years of the child's life, and had been maintained during the first eighteen months of this proceeding, was broken when respondent father moved back to South Carolina and failed to visit the child for nineteen months. Respondent father's three instances of correspondence in nineteen months did not constitute maintaining a bond with her. Respondent offered no explanation regarding why he failed to cooperate with the interstate compact investigation in South Carolina. While the trial court's reluctance to order the interstate compact investigation earlier in the case is unfortunate, the record as a whole supports that termination of respondent's parental rights was not clearly contrary to the minor child's best interests.

Affirmed.

/s/ Michael J. Talbot  
/s/ Helene N. White  
/s/ Kurtis T. Wilder